IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 21736 of 2004

Between:

1 Rishikesh S/o.Hariram
H.No.445, Sadar Bazar,
Secunderabad.
2 Harikesh S/o.Hariram
H.No.444, Sadar Bazar,
Secunderabad.

..... PETITIONERS

AND

The Assistant General Manager, Regional Officer,
Vijaya Bank, P.No.218,306-308,3rd Floor,
Babu Khan Estate, Basheerbagh,Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ or order or direction more particularly one in the nature of writ of Mandamus declaring action of the respondent in not allowing the petitioners to take test/interviews for the post of' PEON' and to fill-up the posts through Employment Exchange, as illegal, arbitrary and un-constitutional violative of fundamental rights and consequently direct the respondent to allow the petitioners to take test/interview for the post of 'PEON" as per their qualifications and issue appointment orders, if selected in the interview without insisting that the petitioners should be sponsored by the Employee Exchange.

Counsel for the Petitioner: MR.P.RAGHAVA REDDY(NOT PRESENT)

Counsel for the Respondent: None appeared.

The Court at the stage of admission made the following:

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 21736 of 2004

ORDER:

For not calling the petitioners to take interview for the post of 'Peon', the present writ petition is filed.

2. The grievance of the petitioners is that the respondent notified the posts of 'Peons' to the Employment Exchange to fill up the vacancies of 'Peons' by suitable and eligible candidates. The Employment Officer concerned has sponsored the names of the candidates for the purpose of interview to be held on 23-11-2004. The respondent has not given any advertisement calling for the applications from the eligible candidates to fill up the posts of 'Peons' as per the relevant Judgment of the Supreme Court and deprived the petitioners' right of attending the interview. The petitioners also made applications to the respondent to consider their names to interview and appointment for the post of 'Peon' to be held on 23-11-2004.

3. As seen from the record, when the writ petition is posted to 19-01-2005, none appeared for the petitioners. Even today also there is no representation on behalf of the petitioners.

4. Perused the material available on record.

5. On considering the facts and circumstances of the case, the petitioners cannot have any legally enforceable right to challenge the action of the respondent. Further, It is stated in the affidavit that to fill up the posts of 'Peons' in the respondent-Bank, they have to give an advertisement as per the rules and regulations. In the absence of any such rules and regulations, it is open for the respondent to take a decision requesting the Employment Exchange to sponsor the names of the eligible candidates. In any view of the matter, since the interviews were already held on 23-11-2004, there is no lis to be adjudicated in the writ petition.

6 . Therefore, the writ petition is devoid of merits and the same is dismissed. No costs.

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January 20, 2005

Kvr

To

1. The Assistant General Manager, Regional Office,

Vijaya Bank, P.No.218,306-308,3rd Floor,

Babu Khan Estate, Basheerbagh,Hyderabad.

2. Two C.D copies.